

REMARKS

Applicants have thoroughly considered the November 20, 2006 Office action and respectfully request reconsideration of the application as amended. By this Amendment A, claims 1 and 19-31 have been amended to more clearly set forth the invention. Claims 1-47 are presented in the application for further examination. Applicants respectfully request favorable reconsideration of the application in light of the amendments and following remarks.

As a preliminary matter, Applicants acknowledge the Office's indication that the drawings have been accepted.

The specification has been amended as required by the Office to identify the use of trademarks on pages 15 and 17. No new matter has been added.

Claim Rejections – 35 U.S.C. §101

Claims 19-30 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended claims 19 to 30 to recite “computer-readable storage media” to further clarify the invention. Applicants submit such amendments direct the invention to statutory subject matter. As such, the rejection of claims 19-30 under 35 U.S.C. §101 should be withdrawn.

Claim Rejections – 35 U.S.C. §102

Claims 1-12, 14, 18-28, 30-41, 43 and 47 stand rejected under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,694,320 by Ortiz et al. Applicants submit that Ortiz fails to disclose or suggest each and every element of the invention because it fails to disclose or suggest at least the features of having one or more branding resource files.

Amended claim 1 recites, in part, “executing an interface to call a group of resource files as a function of a selected namespace, **said selected namespace corresponding to one or more installed components of the software product;**... searching the called group of resource files for one or more of the branding resources to be installed in the software product; and **installing the called group of resource files containing the one or more branding resources in the software product in response to the searching.**”

Embodiments of the invention enhance and simplify management of branding of software products by encapsulating branding information into a single branding component having one or more branding resource files such that each of the branding resource files corresponds to one or more branding resources. As such, all of the branding resource files need not to be installed or applied to a software product; only the branding resources needed for the specified or particular software products are installed. See Application, paragraph 40.

To the contrary, Ortiz discloses **one** file, “cvOEMBrand.DLL,” that holds “**all branding data in a single central location**” (emphasis added). Ortiz, col. 3, lines 23-25. (See also Ortiz, col. 3, lines 5-12, in which branding data includes branding information associated with different hardware and software components from different companies)¹. While it appears, at first glance, that Ortiz discloses or suggests a similar single-location or centralized management of branding for software products as embodiments of the invention, Ortiz requires that all branding data be stored or held in one file, “cvOEMBrand.DLL”. As such, all branding data, regardless whether the software product actually needs the branding data, is all included in that one file. That is, all branding data – data from various hardware components, software components, trademark information, and other different companies branding information – is included in the file “cvOEMBrand.DLL.” While the file “cvOEMBrand.DLL” labels different parts of the file as “ID_OEM” or “ID_PRODUCT” for storing different parts of the branding resources (see also Ortiz, col. 3, lines 51-55), Ortiz requires all such information be stored and maintained in one file. The included branding data may be relevant to one software product, but may be irrelevant to another software product. In addition, the need to properly maintain and update the content of the file, although centrally stored, is laborious as one would need to parse through all the branding data included. This is particularly problematic for large software products, such as operating systems, that are often sold as different products and have numerous versions.

Embodiments of the invention overcome such limitations, including the waste of storing undesirable branding resources, by having one or more branding resource files and organizing branding resource files into namespaces such that only the branding resources needed for the software product are installed. Because Ortiz specifically teaches away from embodiments of

¹ As will be appreciated, hardware and software components within the computer product may have trademarks associated with them and/or may be produced by different companies. The different companies can pertain to the various hardware and software components. Often, many of the different companies are Original Equipment Manufacturers (OEMs). As a result these hardware and software components may have associated branding data.

the invention as recited in claim 1, Applicants submit that Ortiz cannot anticipate each and every element of claim 1. Therefore, claim 1 as amended is patentable over the cited art.

Claims 2-12, 14, and 18 depend from claim 1 and add additional features to claim 1. As such, claims 2-12, 14 and 18 are also patentable over the cited art for at least the reasons above. Therefore, Applicants submit that the rejection of claims 1-12, 14, and 18 under 35 U.S.C. §102(e) should be withdrawn.

Similarly, amended claim 19 recites computer-readable storage media comprising, in part, **“a plurality of centrally stored resource files...; a branding engine for calling a group of resource files as a function of a selected namespace and searching the called group of resource files for one or more of the branding resources to be installed in the software product, said selected namespace corresponding to one or more installed components of the software product, said called group of resource files containing the one or more branding resources being installed in the software product in response to the searching.** Ortiz specifically teaches away from embodiments of the invention by disclosing having all branding data in one file. As such, Ortiz cannot anticipate each and every element of the invention, and amended claim 19 is patentable over the cited art. Claims 20-28 and 30 depend from claim 19 and are also patentable over the cited art for at least the reasons above. Hence, the rejection of claims 19-28 and 30 under 35 U.S.C. §102(e) should be withdrawn.

Also, amended claim 31 recites, in part, “embedding, in each of the resource files, metadata identifying the branding resources contained therein; executing an interface to call at least one of the resource files as a function of a selected namespace, **said selected namespace corresponding to one or more installed components of the software product; searching the called resource file for one or more of the branding resources to be installed in the software product based on the embedded metadata; and installing the called resource file containing the one or more branding resources in the software product in response to the searching”.** For at least the above reasons, Applicants submit that Ortiz fails to disclose at least the features of embedding metadata identifying the branding resources contained in each of the resource files and executing an interface to call at least one of the resources files as a function of a selected namespace, which corresponds to the branding resources needed for the installed components of

the software product. Applicants submit that because Ortiz discloses or suggests that one file to hold all branding data, Ortiz cannot anticipate embodiments of the invention as recited in claim 31. Therefore, claim 31 as amended is patentable over the cited art. Claims 32-41, 43, and 47 depend from claim 31 and add additional features to claim 31. Hence, dependent claims 32-41, 43 and 47 are also patentable. Applicants thus request the rejection of claims 31-41, 43 and 47 under 35 U.S.C. §102(e) be withdrawn.

Claim Rejections – 35 U.S.C. §103

Claims 13, 15, 16, 17, 29, 42, 44, 45, and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ortiz in view of US Publication No. 2003/0195921 by Becker et al. Applicants submit that the combined references fail to disclose or suggest each and every element of the invention. The Becker reference fails to cure the deficiencies of Ortiz in that Becker's "system and method for configurable software provisioning" is irrelevant to branding of software products. In fact, even with Becker's disclosures about extensible markup language (XML), componentized software model, and binary files identifying one or more dependencies, the combined references continue to disclose or suggest **one file including all branding data**. Such disclosure teaches away from embodiments of the invention of one or more branding resources files. Furthermore, contrary to the Office's assertion on pages 19 and 20 of the Office action, Becker fails to discuss or suggest "selected namespace corresponding to a specific brand" and "specifying the selected namespace includes specifying another namespace corresponding to a different specific brand to modify the branding of the software product," respectively. Paragraph 66 of Becker merely discloses how the element "ChangeRegistryKey," "CheckDependency" element, or other elements work. Therefore, Applicants submit that the Office fails to establish the *prima facie* elements of an obviousness rejection under 35 U.S.C. §103(a). Hence, for at least the reasons above, the rejection of claims 13, 15, 16, 17, 29, 42, 44, 45, and 46 should be withdrawn.

In view of the foregoing, Applicant submits that independent claims 1, 19, and 31 are allowable over the cited art. The claims depending from these claims are believed to be allowable for at least the same reasons as the independent claims from which they depend.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that the Applicant may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

The Applicant wishes to expedite prosecution of this application. If the Examiner deems the application as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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